

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JUAN CARLOS RODRIGUEZ-FRANCISCO,	:	CIVIL ACTION NO. 1:21-CV-1179
	:	
Petitioner	:	(Judge Conner)
	:	
v.	:	
	:	
B. THOMPSON, et al.,	:	
	:	
Respondents	:	

MEMORANDUM

This is a habeas corpus case under 28 U.S.C. § 2241, in which petitioner Juan Carlos Rodriguez-Francisco challenges a prison disciplinary proceeding that resulted in the loss of commissary and phone privileges. The court will summarily dismiss the case because the disciplinary proceeding did not result in the loss of good conduct time, which is a necessary predicate for a habeas corpus claim challenging a prison disciplinary proceeding.

I. Factual Background & Procedural History

Rodriguez-Francisco is a federal prisoner currently incarcerated in the Allenwood Federal Correctional Institution in Allenwood, Pennsylvania (“FCI-Allenwood”). (Doc. 1). On September 6, 2019, Rodriguez-Francisco was charged in a prison disciplinary proceeding for violating prison rules for an incident in which he refused to tuck in his shirt, refused to take off his hat, and refused to give identification to a member of the prison’s staff. (Doc. 1-2). A prison disciplinary committee found that Rodriguez-Francisco committed the charged offense. (Doc. 1-4). The committee sanctioned him with a loss of commissary privileges for 120 days

and a loss of telephone privileges for 60 days. (Id.) The committee did not sanction Rodriguez-Francisco with a loss of good conduct time. (Id.)

Rodriguez-Francisco initiated this case on June 18, 2021, and the court received his petition on July 6, 2021. (Doc. 1). Rodriguez-Francisco asks the court to compel the Bureau of Prisons to expunge the disciplinary charge and all associated sanctions from his record. (Id. at 13).

II. Legal Standard

Under Rule 4 of the rules governing habeas corpus petitions under 28 U.S.C. § 2254, a district court must promptly review a petition and dismiss it if it is plain from the face of the petition that the petitioner is not entitled to relief. 28 U.S.C. § 2254 Rule 4.

III. Discussion

Rodriguez-Francisco is plainly not entitled to habeas corpus relief. His petition challenges a prison disciplinary proceeding that did not result in the loss of good conduct time. Claims challenging prison disciplinary proceedings are only cognizable as habeas corpus claims if the petitioner suffers a loss of good conduct time as a disciplinary sanction. Wert v. Warden Allenwood USP, 781 F. App'x 51, 54 (3d Cir. 2019); Queen v. Miner, 530 F.3d 253, 254 n.2 (3d Cir. 2008).

IV. Conclusion

We will dismiss Rodriguez-Francisco's petition because it does not challenge a loss of good conduct time. An appropriate order shall issue.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner
United States District Judge
Middle District of Pennsylvania

Dated: August 20, 2021